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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

STEVE & SARA DAVIS,)	Case No.: 16-4095
)	
Plaintiffs,)	COMPLAINT
)	
v.)	
)	
JP MORGAN CHASE BANK,)	
)	
Defendant.)	

STEVE & SARA DAVIS (Plaintiffs), by their attorneys, LAW OFFICES
OF RYAN LEE, PLLC, allege the following against JP MORGAN CHASE
BANK. (Defendant):

INTRODUCTION

1. Count I of Plaintiffs' Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).
2. Count II of the Plaintiffs' Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788 *et seq.* (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this Court over Count I of Plaintiffs' Complaint arises pursuant to 28 U.S.C. § 1331, and 28 U.S.C. § 1367 grants this court supplemental jurisdiction over the state claims contained herein.
4. Defendant conducts business in the State of California thereby establishing personal jurisdiction.
5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

6. Plaintiffs are natural persons residing in San Jose, California.
7. Defendant is a business entity with a principal place of business in New York, New York.
8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

9. In or around October 2015, Defendant began constantly and continuously placing collection calls to Plaintiffs seeking and demanding payment for an alleged debt.
10. Plaintiffs' alleged debt arose through a consumer credit transaction.
11. Defendant places collection calls from telephone numbers, including, but not limited to, (847) 426-9203.
12. Defendant places collection calls to Plaintiffs' cellular telephone at phone number (408) 646-3165, (773) 960-0704, and (650) 485-0993.
13. Based upon the timing and frequency of Defendant's calls and per its prior business practices, each of Defendant's calls were placed using an automatic

1 telephone dialing system.

2 14. In or around October 26, 2015 at 2:01 p.m., Plaintiff called Defendant at (847)
3 426-9203 and spoke to Defendant's representative "Vijay" with employee ID
4 # I944993. During that conversation, Plaintiffs requested that Defendant stop
5 placing calls to Plaintiffs' cellular phone.

6 15. Plaintiffs revoked any consent, express, implied or otherwise, to receive
7 automated collection calls from Defendant in the course of the telephone
8 conversation in or around October 26, 2015.

9 16. Despite Plaintiff's request to cease, Defendant continued to place multiple
10 collection calls to Plaintiff on a daily basis.

11 17. Defendant placed at least one eighty-nine (89) collection calls to Plaintiffs
12 despite Plaintiffs' request to cease.

13 **COUNT I**

14 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER**
15 **PROTECTIONS ACT**

16 18. Defendant's actions alleged *supra* constitute numerous negligent violations
17 of the TCPA, entitling Plaintiffs to an award of \$500.00 in statutory damages
18 for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

19 19. Defendant's actions alleged *supra* constitute numerous and multiple knowing
20 and/or willful violates of the TCPA, entitling Plaintiffs to an award of
21 \$1500.00 in statutory damages for each and every violation pursuant to 47
22 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

23 Wherefore, Plaintiffs, STEVE & SARA DAVIS, respectfully request
24 judgment be entered against Defendant, JP MORGAN CHASE BANK for the
25 following:

1 20.Statutory damages of \$500.00 for each and every negligent violation of the
2 TCPA pursuant to 47 U.S.C. § (b)(3)(B);

3 21.Statutory damages of \$1500.00 for each and every knowing and/or willful
4 violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. §
5 (b)(3)(C);

6 22.All court costs, witness fees and other fees incurred; and

7 23.Any other relief that this Honorable Court deems appropriate.

8
9 **COUNT II**
10 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT**
11 **COLLECTION PRACTICES ACT**

12 24.Plaintiffs repeat and reallege all of the allegations in Count I of Plaintiffs'
13 Complaint as the allegations in Count II of Plaintiffs' Complaint.

14 25.Defendant violated the RFDCPA based on the following:

15 a. Defendant violated § 1788.11(d) of the RFDCPA by causing a
16 telephone to ring repeatedly or continuously to annoy the person
17 called;

18 b. Defendant violated § 1788.11(e) of the RFDCPA by communicating
19 with Plaintiffs with such frequency as to be unreasonable and to
20 constitute a harassment to Plaintiff.

21 c. Defendant violated § 1788.17 of the RFDCPA by failing to comply
22 with the Fair Debt Collection Practices, Act, 15 U.S.C. § 1692 *et seq.*,
23 to wit:

24 1. Defendant violated §1692d of the FDCPA by engaging in
25 conduct the natural consequence of which is to harass, oppress,
or abuse Plaintiffs;

2. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly or continuously with intent to annoy, harass, or abuse Plaintiffs.

WHEREFORE, Plaintiff, STEVE & SARA DAVIS, respectfully requests judgment be entered against Defendant, JP MORGAN CHASE BANK for the following:

26. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt
Collection Practices Act, Cal. Civ. Code §1788.30(b),

27.Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt
Collection Practices Act, Cal. Civ. Code § 1788.30(c), and

28. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: July 21, 2016

LAW OFFICES OF RYAN LEE, PLLC

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